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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/717,689

11/20/2003

George Barry Hanna

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EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/717,689

Applicant(s)

GOERGE BARRY HANNA

Examiner

Rasha S. AL-Aubaidi

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This in response to amendment filed 02/05/2007. No claims have been added. No claims have been canceled. No claims have been amended. Claims 1-17 are still pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zey (US PAT # 6,718,029) in view of Peoples (US PAT # 6,134, 312).

Regarding claim 1, Zey teaches a method for making a telephone call connection (see abstract), comprising: receiving an incoming call (reads on elements 204 and 206, see Fig. 2 and elements 304-308 in Fig. 3 and it corresponding texts) at a computer in signal communication with a telephone being called by a caller, the telephone having an associated sign-up calling plan service billed to a home plan at a home plan rate (see col. 1, lines 33-38); prompting the caller with a first service announcement (see col. 1, lines 10-42 and lines 60-61); in response to the caller replying to the first service announcement and requesting that an outgoing call be made, prompting the caller to enter a personal identification number (this reads on the 14 digits card number, see col.

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1, lines 40-42 lines 64-65); validating the personal identification number (see col. 2, lines 1-3) and prompting the caller with a second service announcement (see col. 1, lines 42-43 and lines 63-65); and in response to the caller replying to the second service announcement and entering a long distance or international destination telephone number to be called (see col. 1, lines 42-45 and lines 64-65), invoking an outbound call to the destination number (this basically reads on making the call), and in response to the destination number being answered (reads on element 410, Fig. 4), dropping the line (see col. 2, lines 2-3), thereby enabling the caller to communicate with the destination number (this limitation is inherent) via the home plan at the home plan rate (see col. 1, lines 35-38. This is also obvious. A person obviously does not want to have a higher rate than what he/she normally pays at home).

Zey does not specifically teach the use of a "computer" as recited in claim 1.

However, Peoples teaches the use of a microprocessor that controls establishing the connection, as shown in Fig. 3 element 350 and its corresponding text.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature using a computer, as taught by Peoples, into the Zey system in order to increase the flexibility and the versatility to users.

Claims 7, 10-11 and 14-15 are rejected for the same reasons as discussed above with respect to claim 1.

Regarding claim 2, Zey teaches a three-way call between the computer, the caller, and the destination telephone number (Fig .1, Element 118, 102 and 122 and the corresponding text).

Claims 12 and 16 are rejected for the same reasons as discussed above with respect to claim 2.

Claim 3 recites "the invoking an outbound call comprises: in response to the telephone being serviced by more than one line, invoking an outbound call to the destination number on another line". This limitation is obvious and well known in the art.

Claim 4 recites "in response to the caller replying to the second service announcement and entering a plurality of conference call telephone numbers to be called, invoking a conference call between the computer, the caller, and each of the plurality of telephone numbers, and in response to the conference call connections being made or terminated, dropping the computer off line, thereby enabling the caller to communicate with the plurality of telephone numbers via the home plan at the home plan rate". Peoples teaches the feature of conference call (see col. 1, lines 67 and col.

2, lines 1-2).

Claim 5 recites "in response to the caller replying to the first service announcement and entering a call-forward command and a call-forward telephone number, redirecting all calls received at the computer to the call-forward telephone number". Peoples teaches the use of a call forward (see col. 30-33).

Claim 6 recites "in response to the destination number being busy and in response to a prompt from the caller, activating a call-back service, thereby enabling the caller to communicate with the destination number via the home plan at the home plan rate in response to the destination number not being busy". Peoples teaches the use of a callback feature (see col. 3, lines 1-12).

Claim 8 recites "the telephone is the caller's residence telephone". This limitation is obvious. A caller may chose to be connected to any destination such residential or business.

Claim 9 is rejected for the same reasons as discussed above with respect to claim 8.

Claims 13 and 17 are rejected for the same reasons as discussed above with respect to claims 1, 3-6, 10 and 14, respectively.

Response to Arguments

4. Applicant's arguments filed 02/05.2007 have been fully considered but they are not persuasive.

Applicant's argument on page 9 of the Remarks is not fully understood. It is unclear what is the Applicant trying to refer to by the "misquoted recitation". A further explanation is required.

Regarding Applicant's argument (page 9 of the Remarks) that "nothing was cited in Zey that shows paying for the 'destination number... at the home plan rate' as recited in claim 1". First of all, it appears that Applicant is arguing one part of the limitation that is recited in claim 1 and totally ignoring the other. The Applicant ignored the fact that Zey is providing the user with the flexibility to establish cost effective local calls from a payphone or outside the user house (see col. 1, lines 9-18). Also, Applicant is reminded that the rejection is applied as 35 U.S.C 103 (a) using two references. The Examiner believes that Zey met all the limitations recited in claim 1 with the exception of the use of a "computer" and for that reason People reference was introduced to overcome the deficiency of Zey.

Also, it appears that Applicant is arguing (Page 10 of the Remarks) limitations from the people reference that were not discussed or explained by the Examiner, such as Applicant's argument of "People discloses 'channel 315 will go off-hook.... to

answer...". Again, People was introduced to teach the use of a computer only and to have this feature incorporated in the Zey system in order to enhance the users flexibility of not being limited to the one kind of environment.

For Applicant's argument regarding claim 3, the Examiner is not required to submit an evidence for a limitations that is considered obvious in the art. Claim 3 merely teaches using another line to place an outgoing call. Claim 3 does not rise the invention to the level of patentability. The Applicant is invited to show enough evident and an explanation of why claim 3 should be allowable.

The Examiner believes that all other arguments are already addressed and taught in the above rejection.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

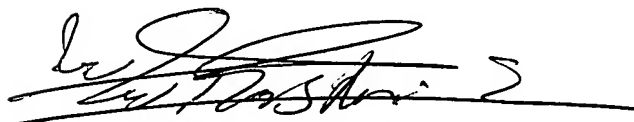
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI
PATENT EXAMINER

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04/29/2007